

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	<u>ORDER</u>
v.	:	
	:	15 CR 466 (VB)
RAHIEM BOLDEN,	:	
Defendant.	:	
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By letter dated December 23, 2020, defendant Rahiem Bolden moves for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). His previous such motion was denied without prejudice for failure to exhaust the statute's exhaustion requirement. (Doc. #46). The instant letter states that Bolden made a request to the Warden of his facility for such relief more than thirty days ago and has not received a response. Accepting Bolden's statement as true, it appears he has now met the exhaustion requirement.

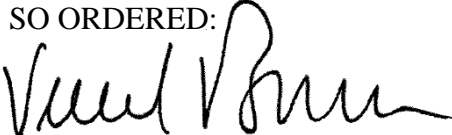
Accordingly, by January 18, 2020, the government is directed to file its response to defendant's motion. The government is directed to address the merits of the motion. The government is also directed to confirm whether the exhaustion requirement has been met.

As an additional matter, Bolden's request for the appointment of counsel is denied without prejudice. There is no constitutional or statutory right to counsel for a motion for a reduction of sentence pursuant to Section 3582(c)(1)(A). See Lopez-Pena v. United States, 2020 WL 4450892 (S.D.N.Y. Aug 3, 2020). Rather, whether to appoint counsel is subject to the Court's discretion. (Id.). Here, Bolden has submitted his motion for compassionate release, in which he sets forth in detail the bases for his request. He also says he has received assistance with his motion. The Court sees no reason to appoint counsel at this time.

Chambers will mail a copy of this Order to defendant at the following address:

Rahiem Bolden, Reg. No. 72623-054
 FCI Forrest City Medium
 Federal Correctional institution
 P.O. Box 3000
 Forrest City, AR 72336

Dated: January 4, 2021
 White Plains, NY

SO ORDERED:

 Vincent L. Briccetti
 United States District Judge